IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Arbitration Petition No.62 of 2004

Vijay H. Jaiswal Applicant

Vs.

M.I.D.C. & ors. Respondents

M/s.S.K.Legal Associates for applicant.
Ms.Deepa Chavan i/b Little & Co. for respondents.

CORAM: B.H.MARLAPALLE, J.

January 27, 2006.

P.C.

. This petition was called out in the first half today and Miss Deepmala More had appeared for S.K.Legal Associates for petitioner, who have filed this petition. It was pointed out to her that as per the affidavit filed in reply by the respondent - Corporation, a State Undertaking, the arbitration proceedings are already in progress and, therefore, this fresh application cannot be entertained.

. The application has been filed on 14th December 2004 and the arbitration proceedings before the arbitrator were fixed on 21-12-2004, 29-12-2004, 20-1-2005 and 11-2-2005. She sought time to take instructions from her learned senior and, therefore, the petition was kept back. In the second half when

the petition is called out one Mr.Prashant Malode claiming to be the constituted attorney of the petitioner appears and states that the petitioner desires to change his Advocate and, therefore, the time is sought.

. On the face of the reply filed by the respondent - Corporation and served on the petitioner's counsel on 21-2-2005, this application cannot be entertained.

. The same is hereby rejected.

(B.H.MARLAPALLE,J.)